

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BERNARD JEMISON,)
)
Plaintiff)
)
vs.) Case No. 2:09-cv-00961-RBP-HGD
)
WARDEN DAVID WISE,)
)
Defendant)

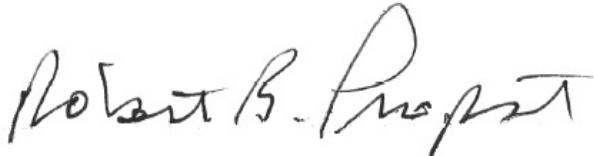
MEMORANDUM OF OPINION AND ORDER

The magistrate judge filed a report on April 10, 2012, recommending that the defendant's special report be treated as a motion for summary judgment and, as such, that it be denied. Although the parties were advised of their right to file specific written objections within fourteen (14) days, there has been no response to the report and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and hereby is ADOPTED and his recommendation is ACCEPTED. Accordingly, it is ORDERED that the defendant's

motion for summary judgment is DENIED. This matter is REFERRED to the magistrate judge for further proceedings.

DONE this 16th day of July, 2012.



**ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE**